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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/718,434	11/20/2003	Eric Lawrence Hale		9840

7590 05/10/2006

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EXAMINER
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LEUBECKER, JOHN P

ART UNIT	PAPER NUMBER
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3739

DATE MAILED: 05/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/718,434

Applicant(s)

HALE ET AL.

Examiner

John P. Leubecker

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 February 2006.  
 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4 and 6-19 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
 6) ☒ Claim(s) 1-4 and 6-19 is/are rejected.  
 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) ☐ All b) ☐ Some \* c) ☐ None of:  
 1. ☐ Certified copies of the priority documents have been received.  
 2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date 12/12/05.  
 4) ☐ Interview Summary (PTO-413)  
 Paper No(s)/Mail Date, \_\_\_\_\_.  
 5) ☐ Notice of Informal Patent Application (PTO-152)  
 6) ☐ Other: \_\_\_\_\_.

***Claim Objections***

1. Claims 6 and 7 are objected to because of the following informalities: these claims depend from a canceled claim (5) and should be amended to depend from claim 1. Appropriate correction is required.

***Information Disclosure Statement***

2. The information disclosure statement filed December 12, 2005 has been reviewed and most references have been considered. However, one of the foreign patents fails to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information. This reference not been considered.

***Claim Rejections - 35 USC § 102***

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 1-4, 6, 8-11 and 13-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Chen et al. (U.S. Pat. 5,776,050) for the reasons set forth in numbered paragraph 2 of the previous Office Action, paper number 11142005.

The “shape” of the virtual surface (disk shaped or planar) will approximate the viewed surface when the viewed surface is substantially disk shaped or substantially planar (also note instant claim 3 which requires the virtual surface to be planar). As to claims 14-19, the steps of

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determining a first viewing set, receiving an image, and mapping the image are anticipated the description of Chen et al with respect to the steps of claim 1. The steps of determining a second viewing set and rendering an image are anticipated by Chen et al. with respect to the change in viewing point (note previous description of Chen et al. with respect to claims 8-11).

### ***Claim Rejections - 35 USC § 103***

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6. Claims 7 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen et al. in view of Truppe (U.S. Pat. 5,704,897) for the reasons set forth in numbered paragraph 4 of the previous Office Action, paper number 11142005.

### ***Response to Arguments***

7. Applicant's arguments filed February 21, 2006 have been fully considered but they are not persuasive.

Although Applicant's remarks clearly point out the differences between the present disclosure and the Chen et al. device, the claims have not be adequately amended to distinguish the claimed invention over the prior art. This has been pointed out above.

It is also noted that the Sumanaweera et al. reference (cited below) appears to be a very relevant reference with respect to Applicant's disclosed device. It is requested that Applicant thoroughly review this reference before amending the claims.

Also, regarding Applicant contention that the instant claims are not obvious over Chen et al. because there is no teaching or suggestion in the prior art, the Examiner takes the position that the Sumanaweera et al. reference potentially provides such teaching and motivation.

It is noted that the Truppe reference was additionally used to reject claims 7 and 12. This reference was cited to provide a prima facie showing of obviousness for certain claimed elements. Applicant failed to rebut these showings of obviousness in response to each rejected claim. Any further arguments concerning these rejections will be considered moot. Where claims are not separately argued with any reasonable particularity, they stand or fall together with the claim with which they are grouped. In re Nielson, 816 F.2d 1567, 2 USPQ2d 1525 (Fed. Cir. 1987); In re Kaslow, 707 F.2d 1366, 1376, 201 USPQ 67, 70 (CCPA 1979).

### *Conclusion*

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Sumanaweera et al. (U.S. Pat. 6,443,894)--note that the structure of this reference appears to anticipate at least claims 1 and 13. Column 11-12 describes the texture mapping of one form of image data onto the 3-D contours of the other form of image data.

Kanda et al. (U.S. Pat. 6,283,918), Isobe et al. (U.S. 5,995,108) and Wilk (U.S. Pat. 6,283,918)--note systems for combining at least two different data (image) sets.

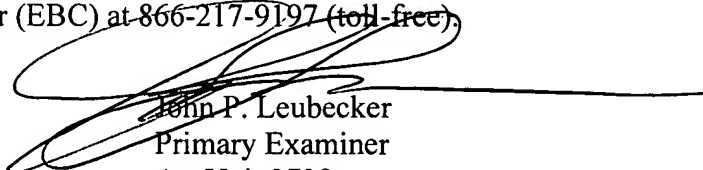
9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John P. Leubecker whose telephone number is (571) 272-4769. The examiner can normally be reached on Monday through Friday, 6:00 AM to 2:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Linda C.M. Dvorak can be reached on (571) 272-4764. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



John P. Leubecker  
Primary Examiner  
Art Unit 3739

jpl